REMARKS

The Application has been carefully reviewed in light of the Office Action dated December 7, 2004 (Paper No. 46). Claims 1 to 28 are in the application, of which Claims 1, 13 and 14are independent. Claims 1, 13, 14, 20 and 21 are being amended. Reconsideration and further examination are respectfully requested.

Claims 2 to 12 and 15 to 22 are objected to for their use of the phrase "A method". The Office Action suggests that the claims be amended to read "The method". In response, reference is respectfully made to MPEP 608.01(n), which clearly indicates that the phrase "A method" is acceptable wording in a dependent claim. Accordingly, reconsideration and withdrawal of the objection are respectfully requested.

Claims 1 to 3, 9, 10 and 26 to 28 are rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,477,586 (Achenson), Claim 13 is rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 5,978,855 (Metz), Claims 14 to 25 are rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,141,689 (Yasrebi) and U.S. Patent No. 6,754,714 (Chebrolu), and Claims 4 to 8, 11 and 12 are rejected under 35 U.S.C. § 103(a) over Achenson in various combination with U.S. Publ. No. 2001/0100059 (Buehl), U.S. Patent No. 6,373,853 (Yoshida) and U.S. Patent No. 6,697,862 (Beser). Reconsideration and withdrawal of these rejections are respectfully requested.

The present invention generally concerns selecting a manner of transfer between computers, a transferor and a recipient, using message communications. Selection of a manner of transfer includes selecting a direct transfer or a referential transfer. In a case that a direct transfer is selected, the data transfer is performed using a direct connection established between the transferor and recipient. In a case that a referential

transfer is selected, the data is transferred from a server computer using a reference to the server computer supplied by the transferor.

By virtue of this arrangement, a manner of transfer can be selected as between transferor and recipient computers such that the data may be transferred to the recipient from either the transferor or another computer, a reference to which is supplied by the transferor.

Turning to the specific language of the claims, Claim 1 recites a method, in a network, of using a messaging component, which has a network address, and a single network communication channel for sending and receiving messages by a plurality of threads of execution executing on a network computer which communicates with another network computer. According to the method, a network communication channel is established on the network computer, the network communication channel is for use by the messaging component. Registration information associated with each of the plurality of execution threads executing on the network computer is supplied, and a message is received, via the established network communication channel, at the network computer by the messaging component, the message containing the network address of the messaging component, the message further containing a payload portion for identifying one or more of the execution threads. The messaging component compares the contents of the payload portion with the registration information for each of the plurality of execution threads, and forwards the received message to the one or more execution threads based on the results of the comparison. The received message is used to select a manner of data transfer, which includes selection of a direct transfer using a direct connection between the network computer and the other computer, or a referential transfer to the network computer from a

network server using a reference to the network server supplied by the other network computer.

The applied art, namely Achenson, is not seen to show each and every one of the above-identified features, particularly as regards using a received message to select a manner of data transfer, which includes selection of a direct transfer using a direct connection between the network computer and the other computer, or a referential transfer to the network computer from a network server using a reference to the network server supplied by the other network computer.

Achenson is seen to describe a distributed architecture for forwarding remote procedure call (RPC) messages between process threads. An "hqueue" value identifies the requesting thread, and an "hconn" value identifies an inter-process connection, i.e., connection 90 is the connection between processes 1 and 2A of Figure 2 of Achenson. (See col. 2, lines 10 to 39, col. 3, lines 22 to 46, col. 4, line 67 to col. 5, line 25) Referring to Achenson commencing at col. 7, line 63, a single TCP/IP connection can be established on a process to process basis, over which a pair of (two) process threads can communicate. Achenson is seen to describe that a different connection must be established between each pair of (two) processes, such that each process must establish a different connection for each process with which it intends to communicate. Referring to Figure 2 of Achenson, process 2A has message threads 72, 76 and 78 to communicate with processes 1, 2B and 3, respectively.

In addition, nothing in Achenson is seen to show selecting a manner of data transfer, which includes selection of a direct transfer using a direct connection between the network computer and the other computer, or a referential transfer to the network computer

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from a network server using a reference to the network server supplied by the other network computer.

The other art of record applied against other of the claims of the present application, namely Yoshida, Beser, Buehl, Chebrolu and Metz, has been reviewed and is not seen to add anything to the deficiencies noted with respect to Achenson.

Therefore, for at least the foregoing reasons, Claim 1 is believed to be in condition for allowance. Since Claim 14 recites a feature similar to the feature discussed above with reference to Claim 1, it is also believed to be in condition for allowance for at least the same reasons.

Claim 13 recites a method of communicating between a set-top box and a cable head end via a digital cable network. According to the method, a common network communication channel is established on one or the other or both the set-top box and the cable head end, wherein the common network communication channel is shared by a plurality of applications, or execution subprocesses thereof, to send and receive messages via the digital network. The plurality of applications or execution subprocesses are controlled to select a manner of data transfer, wherein one of the set-top box and the cable head end is a recipient and one is a transferor, and wherein selection of the manner of data transfer includes selection of a direct transfer using a direct connection between the transferor and the recipient, or a referential transfer to the recipient computer from a network server using a reference to the network server supplied by the transferor.

The applied art, namely Metz, is not seen to show the claimed invention, particularly as regards controlling a plurality of applications or execution subprocesses to

select a manner of data transfer, wherein one of a set-top box and a cable head end is a recipient and one is a transferor, and wherein selection of the manner of data transfer includes selection of a direct transfer using a direct connection between the transferor and the recipient, or a referential transfer to the recipient computer from a network server using a reference to the network server supplied by the transferor.

Metz is seen to use a digital broadband network to download executable code and narrowband two-way data communications for signaling and interactive text services. However, Metz is not seen to control a plurality of applications or execution subprocesses to select a manner of data transfer, wherein one of a set-top box and a cable head end is a recipient and one is a transferor, and wherein selection of the manner of data transfer includes selection of a direct transfer using a direct connection between the transferor and the recipient, or a referential transfer to the recipient computer from a network server using a reference to the network server supplied by the transferor.

Accordingly, for at least the foregoing reasons, Claim 13 is believed to be in condition for allowance.

The remaining claims are each dependent from the independent claims discussed above and are therefore believed patentable for the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,

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